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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/508,635	05/18/2000	OLIVIER BALLEVRE	P00.0164	7617

29157 7590 08/20/2002
BELL, BOYD & LLOYD LLC
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EXAMINER

LUKTON, DAVID

ART UNIT	PAPER NUMBER
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1653

DATE MAILED: 08/20/2002

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Please find below and/or attached an Office communication concerning this application or proceeding.

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SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
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09/508635

EXAMINER

ART UNIT	PAPER NUMBER
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DATE MAILED:

Please find below a communication from the EXAMINER in charge of this application.

Commissioner of Patents

Please see the attached communication regarding the response to the restriction requirement.

Pursuant to the directives of paper No. 19 (filed 7/30/02), claim 30 has been amended and claims 31 and 36 cancelled. Claims 30, 32-35 and 37-41 are now pending.

Applicants amendment, however, is non-responsive to the Office action mailed 7/30/02.

Applicants have failed a "specie", i.e., a specific organ such as the small intestine or liver.

Applicants have argued that the "plethora" of restriction requirements have imposed an undue burden on applicants. However, applicants have not explained the nature of that burden, and none is evident. The examiner has required neither cancellation nor amendment of any claim as a result (solely) of restriction. Accordingly, the nature of the burden is not apparent. Applicants have also argued that the restriction requirements have resulted in delay of prosecution. However, applicants reluctance to respond fully to restriction requirements has created most of the delay. In addition, in the event that many of the various claimed inventions (that are now encompassed by claim 30) are known in the prior art, the failure to elect a specie will only result in further delay. On the other hand, in the event that claim 30 is novel in its present form, election of a specific organ will be without consequence with regard to the claims that may be ultimately found allowable. Thus, by electing a specific organ in response to this Office action, no further delay will result (assuming no significant change in the claimed invention); moreover, if claim 30 is novel in its present form, the election will be without adverse consequence with respect to

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what is allowable.

The time for response (one month) is reset pursuant to this Office action. However, failure to elect a specie (a specific organ) in response to this Office action will result in abandonment of the application.

*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Lukton [phone number (703)308-3213].

An inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0196.



DAVID LUKTON
PATENT EXAMINER
GROUP 1900